IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 13582 of 2004**

Between:

Madal Sreeramamma, w/o Rosaiah,
Opp:Telephone Exchange, Thullur Village & Mandal,
Guntur District.

**..... PETITIONER**

AND

The Executive Officer, Sri Anjaneya Swamy Temple,
Thullur Village & Mandal, Guntur District.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the respondents herein conducting auction, while the standing crop is existing in the land in S.No.243/1,262, admeasuring Ac.6.30 & Ac.3.00 of Sree Anjaneya Swamy Temple, Thullur Village & Mandal, Guntur District is contrary to guidelines, illegal, arbitrary and unethical and consequently direct the respondents not to conduct auction on 06-08-2004 and dispossess the petitioner from the land.

**Counsel for the Petitioner:MR.A.RAGHAVAIAH**

**Counsel for the Respondent : SMT.N.INDRANI SC for Endowments Temples.**

**The Court made the following :**

**O R D E R:**

The petitioner seeks a Writ of Mandamus declaring the action of the respondents in proposing to conduct the auction in respect of the lands in Survey Nos. 243/1, 262, admeasuring Ac.6-30 & Ac.3.00 of Sree Anjaneya Swamy Temple, Thullur Village, Guntur District as arbitrary and illegal.

Admittedly, the claim of the petitioner that he is a landless poor person has been rejected by the Assistant Commissioner of Endowments on 24-06-2003, and the appeal preferred by him was also dismissed on 31-01-2004.

The only contention raised by the petitioner in this writ petition is that since there is a standing crop on the land in question, the respondent-temple is not justified in proposing to conduct the auction in respect of the leasehold rights of the lands in question. Since the petitioner cannot claim any legal right to continue in possession of land as on today, I am of the opinion that the relief prayed for by the petitioner cannot be granted in this writ petition. However, it is left open to the petitioner to make a representation before the first respondent-Executive Officer, to continue him in possession of the lands in question, on the ground that there is a standing crop in which event it will be considered by the first respondent-Executive Officer of Endowments.

Accordingly, the writ petition is dismissed. No costs.

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03-08-2004

mjl/*

To

1. The Executive Officer, Sri Anjaneya Swamy Temple,
   Thullur Village & Mandal, Guntur District.

2. 2CD copies.